



New Jersey Department of Environmental Protection

SPEECHES OF COMMISSIONER LISA P. JACKSON

NJDEP Commissioner Lisa P. Jackson delivered the following statement regarding environmental priorities to the Legislature Senate Environment Committee on February 6, 2006 and to the Legislature Assembly Environment and Solid Waste Committee on March 9, 2006.

New Jersey's Environmental Legislative Priorities 2006-2008

February 6, 2006

March 9, 2006

Good afternoon Mr. Chairman and Members of the Committee.

Thank you for inviting me here today to initiate a dialogue with this committee regarding legislative priorities over the next two years. First, though, I would like to acknowledge you, Mr. Chair, and other members of this committee for your tireless work in the last session in advancing the cause of environmental protection. Your collective and bipartisan leadership has put forward initiatives that protect the public from the adverse health effects of diesel particulates; that remove significant amounts of toxic mercury from the environment by mercury-containing switches from vehicles; that advance hazardous site cleanups and economic development through a strong and active brownfields program; as well as other efforts designed to protect the citizens of this state.

Before I begin to outline Governor Corzine's and my vision for environmental priority legislation that we need to address, I must offer several obvious caveats that will impact anything we do over the next few years. First, of course, is the budget. The coming fiscal year is not going to be an easy one. The DEP, as with all State government, must heed Governor's Corzine's call to find ways to do more with less and at the same time must pursue our mission and fulfill our responsibility to the public.

The second interrelated caveat relates to what is already on our plate. As I mentioned, this forward-looking Legislature has enacted many laws to protect the environment and public health. It is my commitment that the DEP administer these laws in the most efficient, most transparent and most effective way possible. We have to ensure that any new initiatives build on and coordinate with what we are already doing.

Now that I am through my obligatory disclaimers, let me focus for a few minutes on where Governor Corzine and I believe that environmental policy – which in many instances will require additional legislative authority – should head in the next few years.

Chief among the Governor's priorities is protecting New Jersey residents from the potential threat to safety represented by the state's chemical industry and its infrastructure. The threat of terrorism is real and could potentially have devastating effects. In New Jersey, we have 8 chemical facilities where a "worst case" release of chemicals stored on site could threaten more than one million people. While many, if not most, in the industry are responsible, we need mandatory measures to ensure that all facilities meet the highest safety standards.

Another priority that I am committed to pursue is the expansion of New Jersey's energy efficiency and conservation. Such programs can reduce and prevent pollution, provide costs savings to residents and businesses, provide opportunities for local economic development and move our country closer to energy independence. They are far preferable to some alternatives under consideration to meet our energy needs such as drilling off New Jersey's coast. Over the next few months we will work in close cooperation with the Board of Public Utilities and the Department of Community Affairs to identify programs and initiatives that can move us in this direction. In the course of this evaluation, we may identify legislative changes that are needed. We look forward to working with this committee on these initiatives as they are developed.

I will work to continue the steady progress we have made over the years in improving our air quality and protecting our water resources. Despite our progress, New Jersey still has far too many days of unhealthy air. We also still need to successfully implement the Highlands Water Protection and Planning Act, continue designation of critical water resources as Category One waters and strengthen standards that reflect both our expanding knowledge of threats to water quality and improvements in treatment technology. The Legislature has already given the DEP strong authority in both of these areas but, as we progress, we will not hesitate to come to you if any additional statutory authorities are needed.

We must work together to continue our aggressive efforts to preserve lands and improve our statewide system of open spaces. Both are in need of capital and I want to work with you to ensure we continue to make the investments necessary to protect our critical habitats and improve our quality of life. New Jersey's voters have consistently supported open space initiatives, providing much needed funding to set aside lands for recreation and conservation purposes. Setting land aside is just the beginning, however, and I intend to work closely with you to ensure that we are good stewards of the lands that are in our care.

We must continue the difficult work of developing policies that allow us to fulfill our responsibility to protect the environment while still providing opportunities for economic growth and

the development of housing, particularly affordable housing. As a state, our goal must be the development of sustainable communities and businesses. What we build now must not be at our children's expense.

And we must also ensure that the State of New Jersey lives up to its moral obligation under the Public Trust Doctrine as trustees of the natural resources of our great state. A crucial part of this obligation requires that the public has full and unrestricted access to enjoy our natural resources including our oceans, beaches and waterways. The Department, working closely with the Attorney General's office, is considering drafting a legislative initiative in this regard, which we hope to share with you soon.

This committee has already embarked on one initiative, which we heartily support, to better address the problems and potential problems we face with underground storage tanks. We appreciate the leadership that the chair and Assemblyman Manzo have provided in introducing legislation that would open up the pot of constitutionally-dedicated monies to be proactive in addressing the potential threat from non-leaking residential tanks. If we can pull out tanks before they have a chance to contaminate our aquifers, our investment will avoid much greater costs down the road.

Another area where we anticipate working with this committee will be to shore up enforcement of a number of our environmental statutes. Some of our land use, pesticide control, water supply and other statutes were drafted in the 1970s and 80s. As such, they do not have enforcement provisions that are comparable to more recently enacted laws. For example, if we find that a person has mishandled the application of pesticides and as a result other people have been exposed, we must currently take the violator to court rather than take administrative measures to impose penalties or other enforcement measures. Our enforcement authority must have the strength to deter irresponsible behavior and must be administered through an efficient and effective administrative process. We must bring these statutes up into the twenty-first century. We are drafting a bill that I hope to share with you soon.

The package of bills that the committee is considering today does a great deal to strengthen our enforcement of laws relating to site cleanups. The package also strengthens the communication of vital information to local officials and the public. Active, engaged citizens and local officials are crucial to ensure that cleanups are done properly and completely. We strongly support the bills in this package to promote this communication.

I do want to take this opportunity at this time to spend a few minutes discussing the recent events pertaining to the transport of contaminated concrete aggregate materials from the demolished Ford plant in Edison to various construction sites around the State. First of all, the DEP has not met its responsibility in communicating with local officials about this situation. We are evaluating how this breakdown in communication occurred and will be developing procedures and protocols to keep such a situation from occurring in the future. Yesterday, the DEP issued an order to all of the involved parties – Ford, the consultant who removed and transported the materials from the site and the developer who received them – to remove this contaminated material within 30 days. We are also working closely with the Attorney General’s Office to investigate the actions of each of these parties to ascertain what civil and criminal liabilities they each respectively may have in this case.

The bills you are considering today will go a long way toward ensuring that there is greater public input into the decision-making process related to the cleanup of contaminated sites around the State. They also strengthen our hand in enforcing responsible behavior. We are evaluating these legislative proposals in light of the current situation and we may be coming back to you with additional legislative proposals in the future to address this specific concern.

Again, I thank you for the opportunity to appear before you today and I look forward to working with each of you over the course of the session. I am available to answer any questions you may have.